

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 18

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RICHARD W. RUDOW, JOHN COFFEE,
DOUGLAS L. LECKER, TUAN PHAM,
KIRK BINGEMAN, and BRAD GAM

Appeal No. 2003-0628
Application No. 09/860,493

ON BRIEF

Before GARRIS, WARREN and KRATZ, Administrative Patent Judges.
KRATZ, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 13-16, which are all of the claims pending in this application.

BACKGROUND

Appellants' invention relates to a golf cart and roof system therefore including a display monitor mounted on the underside of the roof. The display monitor displays golf course information. A further understanding of the invention can be derived from a reading of exemplary claim 13, which is reproduced below.

13. A golf cart for use in a golf course yardage and information system comprising:
a golf cart body,
a roof mounted to said golf cart body,
said roof having an underside,
a display monitor for displaying golf course information selected from information including golf course features, yardage between golf course features and course management information, said display monitor mounted on the underside of said roof,
said roof mounted to said golf cart body so as to provide a structure which is open to an environment surrounding said golf cart, said roof providing shade for said display monitor.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Dillon	4,818,010	Apr. 04, 1989
Bonito et al. (Bonito)	5,095,430	Mar. 10, 1992

Claims 13-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bonito in view of Dillon.

We refer to the answer for the examiner's reasoning in support of the rejection, and to the briefs for the appellants' arguments thereagainst.

OPINION

We have carefully reviewed each of appellants' arguments for patentability. However, we concur with the examiner that the claimed subject matter would have been obvious to one of ordinary skill in the art within the meaning of 35 U.S.C. § 103 in view of

the applied prior art. Accordingly we will sustain the examiner's rejection for essentially those reasons expressed in the final rejection and examiner's answer, and we add the following primarily for emphasis.

Appellants (brief, page 8) state that each claim "stands or falls together with the others." Also, appellants do not furnish separate arguments for each claim on appeal. See 37 CFR § 1.192(c)(7) and (c)(8) (2002) and In re McDaniel, 293 F.3d 1379, 1383, 63 USPQ2d 1462, 1465 (Fed. Cir. 2002) ("if the brief fails to meet either requirement, the Board is free to select a single claim from each group of claims subject to a common ground of rejection as representative of all claims in that group and to decide the appeal of that rejection based solely on the selected representative claim"). Consequently, we select claim 13, as the representative claim, on which we decide this appeal as to the examiner's rejection.

Appellants do not dispute the examiner's determination that Bonito teaches subject matter substantially embraced by representative claim 13 but for the claimed display monitor location. In this regard, Bonito discloses a golf cart body, a roof with an underside mounted thereon, and a display monitor as part of a mobile computer for displaying golf course information,

which computer is located on the golf cart. See, e.g., drawing figures 1 and 2, column 3, lines 64 through column 4, line 21 and claim 1 of Bonito.

While Bonito indicates that the computer and display monitor associated therewith may be installed on the dashboard of the golf cart as illustrated in figure 1, one of ordinary skill in the art would have recognized that Bonito does not require any particular installation location for the mobile computer so long as the mobile computer is located on the golf cart. See, e.g., claim 1, item b of Bonito wherein the computer is recited as being coupled to a golf cart without specifying a particular location for the coupling.

As correctly found by the examiner, Dillon (the other applied reference) discloses that mounting electronic equipment in vehicles, such a police vehicles, on the underside of the roof or ceiling of the vehicle results in several advantages including the avoidance of a knee hazard associated with the prior art mounting of such electronic equipment near the vehicle dashboard. Given the additional disclosure of Dillon, we agree with the examiner that one of ordinary skill in the art would have been reasonably led to mount the computer equipment, including the display monitor of Bonito on the underside of the golf cart roof

as an option with a reasonable expectation of success in avoiding similar knee hazards or limitations of knee positioning in a golf cart construction. Thus, we are in agreement with the examiner that the applied prior art would have rendered the appealed claims prima facie obvious within the meaning of 35 U.S.C. § 103.

Nor do we find appellants arguments persuasive for reasons stated by the examiner in the answer. Appellants maintain that Bonito and Dillon are not concerned with providing shade for the display monitor as taught by appellants. However, in reaching the conclusion that the herein claimed subject matter is prima facie obvious over the teachings of the applied references, we also note that the prior art references in question need not provide all of appellants' reasons, such as an alleged increase in shade for the display monitor, to establish a prima facie case of obviousness. See In re Kemps, 97 F.3d 1427, 1430, 40 USPQ2d 1309, 1311 (Fed. Cir. 1996) (the motivation to combine features need not be identical to that of appellant to establish a prima facie case of obviousness). Furthermore, to the extent appellants may have recognized another potential advantage of the claimed monitor location that would have arisen by otherwise following the teachings of the prior art, that recognition does not necessarily form a basis for patentability. See In re

Woodruff, 919 F.2d 1575, 1577-1578, 16 USPQ2d 1934, 1936 (Fed. Cir. 1990).

We also note that the applied patents are not limited to the preferred or exemplified embodiments disclosed therein as appellants would appear to argue. Rather, the applied patents may be relied upon for all they would have reasonably conveyed to one having ordinary skill in the art. See In re Beattie, 974 F.2d 1309, 24 USPQ2d 1040 (Fed. Cir. 1992); In re Young, 927 F.2d 588, 18 USPQ2d 1089 (Fed. Cir. 1991); Merck & Co., Inc. v. Biocraft Laboratories, Inc., 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir. 1989).

Appellants (brief, page 10) urge that their golf cart design is being copied in the industry as an apparent inference of a secondary indicia of unobviousness. Of course, appellants are in the best position to provide such evidence; yet, no such evidence has been furnished. Unsupported arguments of counsel simply cannot take the place thereof. See In re Pearson, 494 F.2d 1399, 1405, 181 USPQ 641, 646 (CCPA 1974).

Having reconsidered the evidence of record for and against a conclusion of obviousness in light of the respective arguments advanced by the appellants and the examiner, it is our determination that, on balance, the evidence weighs most heavily

in favor of an obviousness conclusion with respect to the rejection under consideration.

Accordingly, we will sustain the examiner's § 103(a) rejection.

CONCLUSION

The decision of the examiner to reject claims 13-16 under 35 U.S.C. § 103(a) as being unpatentable over Bonito in view of Dillon is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

BRADLEY R. GARRIS)	
Administrative Patent Judge)	
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)	BOARD OF PATENT
CHARLES F. WARREN)	APPEALS
Administrative Patent Judge)	AND
)	INTERFERENCES
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PETER F. KRATZ)	
Administrative Patent Judge)	

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Appeal No. 2003-0628
Application No. 09/860,493

Page 9

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